Customs Bulletin

Regulations, Rulings, Decisions, and Notices concerning Customs and related matters

and Decisions

of the United States Court of Customs and Patent Appeals and the United States Customs Court

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Tariff Commission Notice

DEPARTMENT OF THE TREASURY
Bureau of Customs

NOTICE

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Bureau of Customs

(T.D. 73-97)

Foreign currencies—Certification of rates

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., April 3, 1973.

The appended table shows the rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), which are applicable to the currencies of the countries listed in section 16.4(d), Customs Regulations (19 CFR 16.4(d)), for the period from March 26 through March 30, 1973. This table is published for the information and use of Customs officers and others concerned to show the amount of variation in these exchange rates following the devaluation of the United States dollar which took effect on February 13, 1973.

(342.211)

R. N. MARRA,
Director,
Appraisement and Collections Division.

[Published in the Federal Register April 13, 1973 (38 F.R. 9337)]

Country	Currency	March 26	March 27	March 28	March 29	March 30
Australia	Dollar	$1.4150	$1.4150	$1.4150	$1.4150	$1.4150
Austria	Schilling	.0485	.0486	.0485	.0485	.0484
Belgium	Franc	.025205	.025167	.025120	.025031	.024925
Canada	Dollar	[q]	[q]	[q]	[q]	[q]
Ceylon	Rupee	.1565	.1574	.1575	.1575	.1574
Denmark	Krone	.16215	.1622	.1620	.1617	.1612
Finland	Markka	.2580	.2580	.2580	.2580	.2580
France	Franc	.2210	.2214	.2212	.2210	.2204
Germany	Deutsche Mark	.3543	.3540	.3537	.3531	.3518
India	Rupee	.1320	.1325	.1325	.1320	.1325
Ireland	Pound	2.4767	2.4814	2.4814	2.4820	2.4755
Italy	Lira	[q]	[q]	[q]	[q]	[q]
Japan	Yen	.003766	.003768	.003765	.003764	.003760
Malaysia	Dollar	.3980	.4031	.4027	.4030	.4025
Mexico	Peso	[q]	[q]	[q]	[q]	[q]
Netherlands	Guilder	.3441	.3442	.3422	.3411	.3397
New Zealand	Dollar	1.3200	1.3250	1.3296	1.3275	1.3275
Norway	Krone	.1695	.1695	.1695	.1694	.1694
Portugal	Escudo	.0400	.0398	.0398	.0398	.0397
Republic of South Africa	Rand	1.4180	1.4157	1.4160	1.4150	1.4155
Spain	Peseta	.017138	.017167	.017170	.017165	.017160
Sweden	Krona	.2231	.2231	.2226	.222525	.2225
Switzerland	Franc	.3096	.3101	.3098	.3091	.3083
United Kingdom	Pound	2.4767	2.4814	2.4814	2.4820	2.4755

[q] Use quarterly rate published in T.D. 73-16; daily rate did not vary by 5 per centum or more.

(T.D. 73-98)

Countervailing duties—Sugar content of certain articles from Australia

Net amount of bounty declared for the period September 1972 through February 1973 for products of Australia subject to the countervailing duty order published in T.D. 54582. Section 16.24(f), Customs Regulations, amended

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 16—LIQUIDATION OF DUTIES

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the period September 1972 through February 1973 of approved fruit products and other approved products containing sugar are the amounts set forth in the following table:

MERCHANDISE—APPROVED FRUIT PRODUCTS AND OTHER APPROVED PRODUCTS

Month	*Net amount of bounty per 2,240 lbs. of sugar content*
September 1972	Aus. $13.70
October 1972	3.40
November 1972	nil
December 1972	9.20
January 1973	nil
February 1973	nil

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in Australia is hereby ascertained, determined, and declared to be the rate stated in the above table. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595) whether imported directly or indirectly from that country, equal to the net amounts of the bounty shown above shall be assessed and collected.

The table in section 16.24(f) under "Australia—Sugar content of certain articles" is amended (1) by deleting therefrom the reference to T.D. 72–61 and (2) by adding a reference to this Treasury Decision. As amended the last three lines of the table under this commodity will read:

Country	Commodity	Treasury Decision	Action
		72–187	New rate.
		72–314	New rate.
		73–98	New rate.

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624.)
(644)

VERNON D. ACREE,
Commissioner of Customs.

Approved March 28, 1973:
EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[Published in the Federal Register April 12, 1973 (38 F.R. 9225)]

(T.D. 73–99)

Presidential proclamation—Pianos

Presidential Proclamation No. 4189, providing for increased rates of duty on imports of pianos, other than grand pianos

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., April 5, 1973.

There is published below Presidential Proclamation No. 4189 of February 20, 1973, which provides for the extension of the provisions of item 924.00, Tariff Schedules of the United States, with respect to pianos, except grand pianos, to February 20, 1974. The proclamation also extends the suspension of the Kennedy Round tariff reductions on these pianos until January 1, 1976.

The increased duties provided for by this proclamation apply to the subject pianos entered, or withdrawn from warehouse, for con-

sumption on and after February 21, 1973, and before the close of February 20, 1974.

(491.31)

LEONARD LEHMAN,
Assistant Commissioner,
Office of Regulations and Rulings.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Pursuant to the authority vested in him by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351), and section 201 of the Trade Expansion Act of 1962 (19 U.S.C. 1821) (hereinafter "TEA"), the President, by Proclamation No. 2929 of June 2, 1951, No. 3140 of June 13, 1956, and No. 3822 of December 16, 1967 (65 Stat. c12, 70 Stat. c33, and 82 Stat. 1455), proclaimed such modifications of existing duties as were found to be required or appropriate to carry out trade agreements into which he had entered;

Among the proclaimed modifications were modifications in the rate of duty on pianos which were provided for in item 725.02 of the Tariff Schedules of the United States (19 U.S.C. 1202) (hereinafter "TSUS");

Pursuant to sections 201(a)(2) and 351(a)(1) of the TEA (19 U.S.C. 1821(a)(2), 19 U.S.C. 1981(a)(1)), and in accordance with section 253(d) of said Act (19 U.S.C. 1883(d)), and Article XIX of the General Agreement on Tariffs and Trade (61 Stat. (pt. 5) A58, 8 UST (pt. 2) 1786), the President by Proclamation No. 3964 of February 21, 1970 (84 Stat. 2212) proclaimed two new items in the TSUS for pianos, including item 725.01 applicable to pianos, except grand pianos, and also proclaimed increased duties on imports of such pianos in item 924.00 of Subpart A of Part 2 of the Appendix to the TSUS, which increased duties are scheduled to terminate on February 21, 1973;

In accordance with section 351(c)(2) of the TEA (19 U.S.C. 1981(c)(2)), after taking into account advice received from the Tariff Commission under section 351(d)(3) of the TEA (19 U.S.C. 1981(d)(3)) and after seeking advice of the Secretaries of Commerce and Labor, I have determined that the extension as hereinafter proclaimed of the increased duties currently in effect on imports of pianos, except grand pianos, provided for in item 924.00 of the TSUS from February 21, 1973 to February 20, 1974, is in the national interest;

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including sections 201(a)(2) and 351(c)(2) of the Trade Expansion Act, and in accordance with section 253(d) of said Act and Article XIX of the General Agreement on Tariffs and Trade, do proclaim that—

(1) The column numbered 1 rates of duty provided for in TSUS item 725.01 by Proclamation 3822, as modified by paragraph 2(b) of Proclamation 3964, are hereby further modified to read as follows:

	"Rate of duty effective on and after—		
	Feb. 21, 1970	Jan. 1, 1975	Jan. 1, 1976.
725.01	11.5% ad val.	10% ad val.	8.5% ad val."

(2) The increased rate of duty on imports of pianos provided for in item 924.00 of Subpart A to Part 2 of the Appendix to the TSUS is extended to articles entered, or withdrawn from warehouse, for consumption on and after February 21, 1973, and before the close of February 20, 1974.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of February in the year of our Lord nineteen hundred and seventy-three, and of the Independence of the United States of America the one hundred and ninety-seventh.

RICHARD NIXON.

(T.D. 73-100)

Antidumping—Roller chain, other than bicycle, from Japan

The Secretary of the Treasury makes public a finding of dumping with respect to roller chain, other than bicycle, from Japan. Section 153.43, Customs Regulations, as amended

DEPARTMENT OF THE TREASURY,
Washington, D.C., April 6, 1973.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 153—ANTIDUMPING

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for deter-

mination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that roller chain, other than bicycle, from Japan is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the Federal Register of December 5, 1972 (37 F.R. 25859, F.R. Doc. 72-20807).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States Tariff Commission responsibility for determination of injury or likelihood of injury. The United States Tariff Commission has determined, and on March 1, 1973, it notified the Secretary of the Treasury that an industry in the United States is being injured by reason of the importation of roller chain, other than bicycle, from Japan sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the Federal Register of March 7, 1973 (38 F.R. 6241, F.R. Doc. 73-4309).)

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to roller chain, other than bicycle, from Japan.

Section 153.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	*Country*	*T.D.*
Roller chain, other than bicycle	Japan	73-100

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173.)
(643.3)

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[Published in the Federal Register April 12, 1973 (38 F.R. 9226)]

(T.D. 73-101)

Cotton textiles—Restriction on entry

Restriction on entry of cotton textiles and cotton textile products manufactured or produced in Thailand

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C. April 10, 1973.

There is published below the directive of March 27, 1973, received by the Commissioner of Customs from the Chairman, Committee for

the Implementation of Textile Agreements, concerning the restriction on entry into the United States of cotton textiles and cotton textile products in certain categories manufactured or produced in Thailand.

This directive was published in the Federal Register on April 2, 1973 (38 F.R. 8469), by the Chairman, Committee for the Implementation of Textile Agreements.

(343.3)

R. N. MARRA,
Director,
Appraisement and Collections Division.

THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

March 27, 1973.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20229

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of March 16, 1972, between the Governments of the United States and Thailand, and in accordance with Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective April 1, 1973 and for the 12-month period extending through March 31, 1974, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9/10, 15/16, 18/19, 22/23, 26/27, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 60, 62, 63, and 64, produced or manufactured in Thailand, in excess of the following levels of restraint:

Category	*Twelve-Month Levels of Restraint*
9/10	1,968,750 sq. yds.
15/16	787,500 sq. yds.
18/19	1,968,750 sq. yds.
22/23	1,181,250 sq. yds.
26/27	1,575,000 sq. yds. (of which not more than 1,050,000 square yards shall be in duck fabric [1])

[1] The T.S.U.S.A. Nos. for duck fabric are:

320.—01 through 04, 06, 08	326.—01 through 04, 06, 08
321.—01 through 04, 06, 08	327.—01 through 04, 06, 08
322.—01 through 04, 06, 08	328.—01 through 04, 06, 08

Category	*Twelve-Month Levels of Restraint*
43	50,400 doz.
45	21,000 doz.
46	18,900 doz.
47	16,590 doz.
48	9,450 doz.
49	14,700 doz.
50	26,250 doz.
51	26,250 doz.
52	28,350 doz.
53	8,085 doz.
54	14,700 doz.
55	7,140 doz.
60	39,900 doz.
62	79,891 lbs.
63	79,891 lbs.
64	85,598 lbs.

In carrying out this directive, entries of cotton textiles and cotton textile products in the above categories, produced or manufactured in Thailand, which have been exported to the United States from Thailand prior to April 1, 1973, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods for the twelve-month period beginning April 1, 1972 and extending through March 31, 1973.

In the event that the levels of restraint for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of March 16, 1972, between the Governments of the United States and Thailand which provide, in part, that within the aggregate limit, the limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the Federal Register on April 29, 1972 (37 F.R. 8802), as amended February 14, 1973 (38 F.R. 4436).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Thailand and with respect to imports of cotton textiles and cotton textile products from Thailand have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance

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(T.D. 73-102)

Cotton textiles—Restriction on entry

Restriction on entry of certain cotton textiles manufactured or produced in El Salvador

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., April 10, 1973.

There are published below the directives of March 29, and April 2, 1973, received by the Commissioner of Customs from the Chairman, Committee for the Implementation of Textile Agreements, concerning the restriction on entry into the United States of cotton textiles and cotton textile products manufactured or produced in El Salvador. The directive of April 2, amends the level of restraint for categories 1, 2, 3, and 4 contained in the directive of April 21, 1972 (37 F.R. 8134).

These directives were published in the Federal Register on April 3, 1973 (38 F.R. 8549), by the Committee.

(343.3)

R. N. MARRA,
Director,
Appraisement and Collection Division.

THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

March 29, 1973.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20229

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of April 19, 1972, between the Governments of the United States and El Salvador, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective as soon as possible, and for the twelve-month period beginning April 1, 1973, and extending through March 31, 1974, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1/2/3/4, 9, 31, and 61, produced or manufactured in El Salvador, in excess of the following levels of restraint:

Category	*Twelve-Month Levels of Restraint*
1/2/3/4	273,914 pounds
9	3,150,000 square yards
31	1,508,620 numbers
61	88,421 dozen

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 1/2/3/4, 9, 31, and 61, produced or manufactured in El Salvador, which have been exported to the United States from El Salvador prior to April 1, 1973, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods for the twelve-month period beginning April 1, 1972 and extending through March 31, 1973.

In the event that the levels of restraint for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of April 19, 1972, between the Governments of the United States and El Salvador which

provide, in part, that within the aggregate limit, the limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the Federal Register on April 29, 1972 (37 F.R. 8802), as amended on February 14, 1973 (38 F.R. 4436).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of El Salvador and with respect to imports of cotton textiles and cotton textile products from El Salvador have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance

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THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

April 2, 1973.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20229

DEAR MR. COMMISSIONER:

On April 21, 1972, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the

twelve-month period beginning April 1, 1972 of cotton textiles and cotton textile products in certain specified categories produced or manufactured in El Salvador, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraph 4 of the bilateral Cotton Textile Agreement of April 19, 1972 between the Governments of the United States and El Salvador, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to amend, effective as soon as possible, the level of restraint established in the aforesaid directive of April 21, 1972 for cotton textiles in Categories 1/2/3/4 to 273,914 pounds for the twelve-month period beginning April 1, 1972.

The actions taken with respect to the Government of El Salvador and with respect to imports of cotton textiles from El Salvador have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance

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[1] The term "adjustment" refers to those provisions of the bilateral cotton textile agreement of April 19, 1972, between the Governments of the United States and El Salvador which provide, in part, that within the aggregate limit, limits on certain categories may be exceeded by not more than five (5) percent; for limited carryover of shortfalls in certain categories for the next agreement year; and for administrative arrangements.

(T.D. 73-103)

Customs financial and accounting procedure—Customs Regulations amended

Section 24.1(a)(6) of the Customs Regulations amended to increase from $20 to $50 the allowed excess between amounts due Customs and the face amount of prescribed checks and money orders tendered

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Pursuant to section 24.1(a)(4), (6), of the Customs Regulations, Customs officials are permitted to accept United States Government checks, traveler's checks, or money orders, tendered to pay Customs exactions, and to make change for these prescribed instruments in an amount not in excess of $20 of the amount owed Customs. This present $20 limitation has been found to be too restrictive and has caused great inconvenience to travelers, especially those arriving at major airports.

A survey of the Customs regions has found that a $50 limitation would alleviate this inconvenience.

Accordingly, paragraph (a)(6) of section 24.1, Customs Regulations, is amended by substituting "$50" for "$20" to read as follows:

§ 24.1 Collection of Customs duties, taxes, and other charges.—(a) Except as provided in paragraph (b) of this section, the following procedure shall be observed in the collection of Customs duties, taxes, and other charges:

* * * * * * *

(6) The face amount of a United States Government check, traveler's check, or money order tendered in accordance with this paragraph shall not exceed the amount due by more than $50 and any

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required change is authorized to be made out of any available cash funds on hand.

(R.S. 3009, 3473, as amended, sec. 1, 36 Stat. 965, as amended, sec. 648, 46 Stat. 762; 19 U.S.C. 197, 198, 1648)

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 66, 1624)

Because this amendment merely relaxes a restriction on the public and requires no public initiative, notice and public procedure thereon is found to be unnecessary, and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. This amendment shall be effective upon publication in the Federal Register.

(014.1)

VERNON D. ACREE,
Commissioner of Customs.

Approved April 6, 1973:

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[Published in the Federal Register April 17, 1973 (38 F.R. 9490)]

(T.D. 73-104)

Foreign currencies—Daily rates for countries not on quarterly list

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Hong Kong dollar, Iran rial, Philippine peso, Singapore dollar, Thailand baht (tical)

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., April 2, 1973.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates in U.S. dollars for the dates and foreign currencies shown below. These rates of exchange are published for the information and use of Customs officers and others concerned pursuant to section 16.4, Customs Regulations (19 CFR 16.4).

	Official	*Free*
Hong Kong dollar:		
February 26, 1973	$0.1960	$0.192678*
February 27, 1973	.1950	.192771*
February 28, 1973	.1960	.193050*
March 1, 1973	.1970	.193798*
March 2, 1973	Not available	Not available
Iran rial:		
March 19, 1973		$0.0145
March 20, 1973		.0140
March 21, 1973		.0140
March 22, 1973		.0142
March 23, 1973		.0140
Philippine peso:		
For the period March 19 through March 23, 1973, rate of $0.1460.		
Singapore dollar:		
March 19, 1973		$0.3990
March 20, 1973		.3990
March 21, 1973		.3985
March 22, 1973		.3990
March 23, 1973		.3955
Thailand baht (tical):		
March 19, 1973		$0.0480
March 20, 1973		.0480
March 21, 1973		.0480
March 22, 1973		.0482
March 23, 1973		.0480

(342.211)

R. N. MARRA,
Director,
Appraisement and Collections Division.

*Certified as nominal.

ERRATUM

In Customs Bulletin pamphlet No. 8, Vol. 7, dated February 21, 1973, page 15, T.D. 73–50–E, the Treasury Decision on the first line should read T.D. 67–288–I; on page 27, T.D. 73–51–X, the Treasury Decision on the first line should read T.D. 66–146–M.

Decisions of the United States Court of Customs and Patent Appeals

(C.A.D. 1093)

ASSOCIATED HOBBY MFRS., INC. v. THE UNITED STATES No. 5500
(—F.2d—)

1. CLASSIFICATION—TOYS—MINIATURE FIGURE SETS—TSUS

C.D. 4302, holding sets of miniature figures with accompanying auxiliary items to have been properly classified under item 737.40, TSUS, as modified, as other toy figures of animate objects (except dolls), not having a spring mechanism and not stuffed, is *affirmed*, for the reasons set forth in the opinion of the Customs Court.

United States Court of Customs and Patent Appeals, April 5, 1973

Appeal from United States Customs Court, C.D. 4302

[Affirmed.]

Allerton deC. Tompkins, attorney of record, for appellant.
Harlington Wood, Jr., Assistant Attorney General, *Andrew P. Vance*, Chief, Customs Section, *Joseph I. Liebman* for the United States.

[Oral argument January 8, 1973, by Mr. Tompkins and Mr. Liebman]

Before MARKEY, *Chief Judge*, RICH, BALDWIN, LANE, *Associate Judges*, and CLARK, *Justice*, (Ret.), sitting by designation.

BALDWIN, *Judge*.

This appeal is from the decision and judgment of the United States Customs Court,[1] dismissing appellant's protest concerning the classification of imported sets containing miniature plastic figures and certain accompanying items. The court's description of appellant's Exhibit 1 sufficiently conveys the nature of the merchandise:

[1] 67 Cust. Ct. 391, C.D. 4302 (1971).

> *Exhibit 1*, identified as the "Guards Band," has on the front of the cardboard box an illustration of five marching bandsmen of the British Guard's Band dressed in ceremonial uniform. On the back of the box is an illustration of the band leader, and next to that a statement that "[t]his set consists of 44 HO and OO scale figures, suitable for use with the Airfix HO & OO Trackside series, and are completely finished with the exception of painting." The contents of the box consist of 44 miniature figures of uniformed musicians playing various * * * musical instruments.[2] These figures are complete except for the drummers for whom eight miniature drums are included—each of which can be snapped into place on the appropriate drummer figure.

The court's footnote 2 pointed out that "[a]s imported, the individual pieces contained in each set are attached in groups of 9 to 13 to a plastic bar called a "sprue.!"

The merchandise was classified as other toy figures of animate objects (except dolls), not having a spring mechanism, and not stuffed, under item 737.40, TSUS, as modified, T.D. 68–9. Appellant contends that the proper classification of the merchandise should have been as "[c]onstruction kits or sets with construction units prefabricated to precise scale of the actual article," under item 737.09, or as articles of plastic, not specially provided for, under item 774.60.

Upon consideration of the record in this case and appellant's arguments, we are in complete agreement with every aspect of the Customs Court's opinion save one.

The court pointed out that appellant's witness testified that "the sets are made as precisely to HO scale, which is in the ratio of 87 to 1, as present-day technology makes possible." After determining that the merchandise did not fit within the meaning of the term "construction kits or sets" as it is used in item 737.09, the court stated:

> Also militating against classification of the imports as "construction kits or sets with construction units prefabricated to precise scale of the actual article" is that plaintiff failed to establish that the imported articles were, in fact, made to the "precise scale" of the actual articles. Indeed, examination of the samples indicates to the contrary. For example, checking a few of the samples, the Japanese infantrymen in plaintiff's exhibit 6 measure approximately $^{15}/_{16}$ of an inch—which would mean that at the HO scale of 87:1 the actual Japanese infantrymen so depicted would be 6′9½″ tall! And although plaintiffi's witness testified that the Japanese figures were slightly smaller than the American figures, many of the American paratroop figures in plaintiff's exhibit 8, as illustrated, likewise measure $^{15}/_{16}$ of an inch, thus depicting American parartoopers of the same height as the Japanese infantrymen, i.e., 6′9½″.

It may well be that the actual scale of the figures is significantly different from 87 to 1. But considering the fact that an error in measurement of the figures of $^{1}/_{16}$ of an inch would result in a calculated error

of the height of the original subject of well over 5 inches, we are not convinced that the figures are not made on *some* "precise scale" within the meaning of the statute. As appellant points out, "[u]nder TSUS 737.09 there is no specific scale required for classification thereunder—HO or otherwise—so long as it is made to a 'precise scale.' ".

[1] In our view, the remaining findings of the Customs Court are fully supported by the record, and its conclusion that appellant had failed to establish the correctness of either of its claimed classifications is clearly correct. Accordingly, the decision and judgment are *affirmed*.

(C.A.D. 1094)

IMBERT IMPORTS, INC., ET AL. v. THE UNITED STATES No. 5483
(—F.2d—)

1. REVIEW OF TARIFF COMMISSION FINDING—DUMPING—CEMENT

Recognition by the Tariff Commission of less-than-fair-value aspects of sales as one factor involved in its determination amounted to no more than giving weight to a factor which was reasonably related to the conditions which it was required to analyze in determining whether there was a likelihood of injury under the Antidumping Act.

2. EVIDENCE—PRESUMPTIONS—WEIGHT

It is not the function of this court to weigh and balance the evidence in the manner as the Tariff Commission in antidumping investigation. The decision of the Commission is sustained on the facts of this case, which do not establish that said decision was arbitrary, an abuse of discretion, or otherwise contrary to law.

3. ID.

The opinion of the Customs Court, 67 Cust. Ct. 569, A.R.D. 294 (1971), sustaining the decision of the single judge, 65 Cust. Ct. 697, R.D. 11718 (1970), is *affirmed*.

United States Court of Customs and Patent Appeals, April 5, 1973

Appeal from United States Customs Court, A.R.D. 294

[Affirmed.]

Barnes, Richardson & Colburn, attorneys of record, for appellants. *David O. Elliott*, of counsel.

Harlington Wood, Jr., Assistant Attorney General, *Andrew P. Vance*, Chief, Customs Section, *Frederick L. Ikenson* for the United States.

[Oral argument January 9, 1973 by Mr. Elliott and Mr. Ikenson]

Before MARKEY, *Chief Judge*, RICH, BALDWIN, LANE, *Associate Judges*, and CLARK, *Justice*, (Ret.), sitting by designation.

BALDWIN, *Judge*.

This appeal is from a judgment of the United States Customs Court, Second Division, Appellate Term, 67 Cust. Ct. 569, A.R.D. 294

(1971), affirming the judgment of a single Judge sitting in reappraisement, 65 Cust. Ct. 697, R.D. 11718 (1970).

Both courts upheld the imposition, under the Antidumping Act of 1921, as amended, of dumping duties on fourteen entries of portland gray cement exported from the Dominican Republic between October 1962 and the end of March 1963, and entered in the port of San Juan, Puerto Rico. Only the dumping duties are in issue.

The statute principally involved here, section 201 of the Antidumping Act of 1921, as amended (19 USC 160) reads in pertinent part as follows:

> (a) Whenever the Secretary of the Treasury (hereinafter called the "Secretary") determines that a class or kind of foreign merchandise is being, or is likely to be, sold in the United States or elsewhere at less than its fair value, he shall so advise the United States Tariff Commission, and said Commission shall determine within three months thereafter whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. The said Commission, after such investigation as it deems necessary, shall notify the Secretary of its determination, and if that determination is in the affirmative, the Secretary shall make public a notice (hereinafter in this Act called a "finding") of his determination and the determination of the said Commission. * * *
>
> * * * * * * * *
>
> (c) The Secretary, upon determining whether foreign merchandise is being, or is likely to be, sold in the United States at less than its fair value, and the United States Tariff Commission, upon making its determination under subsection (a) of this section, shall each publish such determination in the Federal Register, with a statement of the reasons therefor, whether such determination is in the affirmative or in the negative.

The "record" before us is entirely documentary, consisting of certified copies of papers filed with the United States Tariff Commission during an investigation it conducted, and the Commission's "Determination of Likelihood of Injury," TC Publication 87, 28 Fed. Reg. 4047 (1963).

This record reveals that the Assistant Secretary of the Treasury advised the Tariff Commission on January 21, 1963, that portland cement, other than white nonstaining cement, from the Dominican Republic was being or was likely to be sold in the United States at less than fair value (LTFV). The Commission then issued a notice that it had instituted an investigation "to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established" by the importation of such merchandise into the United States. 28 Fed. Reg. 882 (1963). The Commission's

Determination, *supra*, with Chairman Dorfman dissenting, followed on April 19, 1963.

The majority of the Commission found that imports of Dominican LTFV cement were entered largely at the port of New York and were marketed almost exclusively in the metropolitan area of New York City. This area was held to be a "competitive market area" and the domestic plants that historically supplied portland cement in the area were held to be "an industry" for purposes of the Antidumping Act. Its determination was that an industry in the United States was likely to be injured by reason of importation of LTFV Dominican cement.

The majority found that the Dominican producer had capacity to sell increased quantities of portland cement in the United States; that the Dominican market had provided an outlet sufficient to take only half the potential production of the country's cement plant and the plant has operated with considerable excess capacity even with substantial exports; that, through sales at prices that were below those charges in the home market but sufficiently high to cover out-of-pocket costs and contribute to net return, the producer could achieve more complete utilization of capacity and a lowering of unit costs; and that the very substantial market in the New York metropolitan area constituted a continuing and attractive lure for the producer's management seeking to expand production and reduce costs.[1] It was also the view of the majority that domestic producers supplying the New York metropolitan area market had operated at about 70 percent of capacity; that not only did sales of imported cement at LTFV tend to repress prices in the marketing area but it was also difficult for domestic producers to compete therewith inasmuch as the price was based not on lower cost but on discrimination; that domestic producers were precluded from making complete use of their productive facilities as they would be able to do in the absence of such competition; and that, because of both legal and economic restraints, domestic producers would be unable to increase volume by resort to the same kind of price discrimination.

Appellants claim that the Tariff Commission's injury determination is invalid. They base that claim on the following contentions:

(1) The Tariff Commission violated its statutory authority in basing its injury determination in part on the mere presence of sales at less than fair value.

[1] The Commission also noted that "the instant case represents the second occasion in which the Treasury Department has advised the Commission that Portland cement from the Dominican Republic was being sold in the United States at less than fair value." On the first occasion, in 1962, the Commission accepted certain assurances by the parties involved that continued effort was being made to avoid future sales at LTFV and declined to find that a domestic industry was "likely to be injured." T.C. Pub. 54, 27 Fed. Reg. 3872 (1962).

(2) The Tariff Commission functioned as an agency within the meaning of the Administrative Procedure Act and its injury determination should be set aside as arbitrary, and

(3) The Tariff Commission's determination, insofar as it encompasses Puerto Rican imports, is in clear and unnecessary excess of the competitive injury found to exist.

The Appellate Term rejected all three contentions in upholding the Commission's determination.

OPINION

As to appellants' first objection, it is apparent that the Commission did not find that sales of the imported cement at less than fair value were *ipso facto* injurious to a domestic industry but instead made a separate determination of injury.

[1] It is true that the Commission recognized the LTFV aspect of the sales as one factor involved in its determination. But that amounted to no more than giving weight to a consideration which was reasonably, if not necessarily, related to the conditions which it was required to analyze in determining whether there was a likelihood of injury under the statute. We therefore find that the Appellate Term was correct in holding that the Commission did not err in considering the LTFV aspect of the sales as a factor in its determination.

With regard to the scope of review of the Commission's determination, involved in appellants' charge that the determination here was arbitrary, this court stated in *City Lumber Co.* v. *United States*, 59 CCPA 89, 457 F. 2d 991, C.A.D. 1045 (1972):

> * * * It is not the judicial function to review or to weight the evidence before the Commission or to question the correctness of findings drawn thereform. *Kleberg & Co. (Inc.)* v. *United States*, 21 CCPA 110, T.D. 46446 (1933), compare *United States* v. *George S. Bush & Co.*, 310 U.S. 371 (1940). As stated in *Kleberg*, our review of determinations of injury or likelihood of injury in antidumping cases does not extend beyond determining whether the Commission has acted within its delegated authority, has correctly interpreted statutory language, and has correctly applied the law. As indicated in the *Bush* opinion, "No question of law is raised when the exercise of * * * discretion is challenged."

The statute itself, 19 USC 160(a), authorizes the Commission to base its determination upon "such investigation as it deems necessary."

Appellants contend that the grounds relied on by the majority of the Commission are shown to be arbitrary, for various reasons, by the facts recited in the dissenting opinion of Chairman Dorfman. For example, appellants challenge the Commission's conclusion that the Dominican producer had continued incentive to sell at less than fair value in the New York area because the price level in that area declined

after (1) the supply of Dominican cement ceased and (2) the largest plant in North America came into operation in this same competitive area. Appellants state:

> Examined in the light of the fact that prices in the New York area had fallen sharply since Dominican cement ceased coming in and that the competitive market area was much less attractive than it had been * * *, it is difficult to understand how incentive to ship would not be less than in 1961 where injury was inconsequential or in 1962 when there was no finding of present injury. * * * To base a finding of likelihood of injury, as it comes down to in this case, primarily on the capacity of the facilities of the foreign producer is pure conjecture and inherently arbitrary. [Footnote omitted.]

Suffice it to say that for us to determine that the prices had declined to the point where sales would no longer allow more efficient use of the Dominican facilities or recovery of out-of-pocket costs would require us to weigh and balance the evidence in the same manner as the Tariff Commission, which even appellants admit is not our function. The opening of another New York cement plant merely adds to the store of evidence to be weighed. In short, we find that the findings of the Commission are supported by substantial evidence, and that the factors pointed out in the Chairman's dissent are not of sufficient moment to establish that the decision of the majority was arbitrary.

[2] Accordingly, we are satisfied that the Commission here acted within its delegated authority and correctly interpreted and applied the law. In fact, we think, as did the Appellate Term, that the determination would pass the test as not being arbitrary, an abuse of discretion, or contrary to law, even if the more extensive scope of review under the Administrative Procedure Act (the provision now 5 USC § 706) were appropriate, as appellant contends. As it is, we make no express holding with regard to the applicability of that Act.

Finally, appellants urge that, since likelihood of injury was found in terms of factors subsisting in the new York metropolitan area, the imposition of dumping duty on the present importations to Puerto Rico was improper for lack of a reasonable relation to the injury found to exist. The Appellate Term found that the Commission has only the responsibility for making the determination of injury under the statute and does not prescribe the remedial action. Also, it agreed with the trial judge that 19 USC 172, which defines "United States" for purposes of 19 USC 160 in a manner which includes Puerto Rico, requires that the same duties be collected on importations to Puerto Rico as to the various states. We agree with both views and thus find the Appellate Term did not err on this point.

[3] Accordingly, the judgment of the Customs Court is *affirmed*.

Decisions of the United States Customs Court

Abstracts

Abstracted Protest Decisions

DEPARTMENT OF THE TREASURY, *April 2, 1973.*

The following abstracts of decisions of the United States Customs Court at New York are published for the information and guidance of officers of the customs and others concerned. Although the decisions are not of sufficient general interest to print in full, the summary herein given will be of assistance to customs officials in easily locating cases and tracing important facts.

VERNON D. ACREE,
Commissioner of Customs.

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED	HELD	BASIS	PORT OF ENTRY AND MERCHANDISE
				Par. or Item No. and Rate	Par. or Item No. and Rate		
P73/320	Ford, J. March 27, 1973	Hughes Aircraft Co.	69/27256, etc.	Item 674.35 13% or 12%	Item 674.32 10.5% or 9.5%	Giddings & Lewis Machine Tool Co. et al. v. U.S. (C.D. 3612)	Los Angeles Boring, drilling and mill ing machines

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED	HELD	BASIS	PORT OF ENTRY AND MERCHANDISE
				Par. or Item No. and Rate	Par. or Item No. and Rate		
P73/321	Richardson, J. March 27, 1973	Enrique Garza	66/6194, etc.	Item 184.75 10%	Item 480.45 Free of duty	Enrique Garza v. U.S. (C. D. 4192)	Laredo Ground phosphate or ground phosphate rock
P73/322	Richardson, J. March 27, 1973	F. B. Vandegrift & Co., Inc.	66/4436, etc.	Item 750.15 0.8¢ each plus 16% (items marked "A" and "B")	Item 651.49 10% (items marked "A") Item 651.47 17% (items marked "B")	U.S. v. F. B. Vandegrift & Co., Inc. (C.A.D. 1039) (items marked "A" and "B")	Philadelphia Straightening combs: in c.v. of brass (items marked "A"); in c.v. of iron or steel (items marked "B")
P73/323	Watson, J. March 27, 1973	The A. W. Fenton Co., Inc.	68/38317	Item 748.20 26.5%	Item 774.60 17%	Armbee Corporation et al. v. U.S. (C.D. 3278) Zunold Trading Corporation et al. v. U.S. (C.D. 3279)	Cleveland Artificial flowers, etc.
P73/324	Maletz, J. March 27, 1973	J. E. Bernard & Co., Inc.	68/33619	Item 708.85 25%	Item 708.45 17%	J. E. Bernard & Co., Inc. v. U.S. (C.D. 3924)	Chicago Magna-sighters and binocular magnifiers
P73/325	Maletz, J. March 27, 1973	Northern Trading Co.	66/21308	Par. 397 19%	Par. 330 ½¢ per lb.	Heads and Threads, Division of MSL Industries, Inc. v. U.S. (C.D. 3374)	New York Screws or bolts
P73/326	Maletz, J. March 27, 1973	Whitehall Overseas Corp.	67/62910, etc.	Item 737.30 18%	Item 685.22 12.5%	U.S. v. Kew York Merchandise Co., Inc. (C.A.D. 1004)	Los Angeles Transistor radios enclosed within a stuffed animal

P73/327	Re, J. March 27, 1973	Fleming Joffe, Ltd.	68/54076, etc.	Par. 1530 15%	Par. 1530(c) 10%	Agreed statement of facts	New York Leather used in the manufacture of footwear
P73/328	Re, J. March 27, 1973	KBS Trading Co., Ltd., et al.	67/56777, etc.	Item 772.06 21¢ per lb. plus 17%	Item 772.15 17%	Davar Products, Inc. v. U.S. (C.D. 3880) (items marked "A") New York Merchandise Co., Inc. v. U.S. (C.D. 2895) (items marked "B")	Honolulu Plastic snack bowls, snack sets, tidbit trays or similar items (items marked "A") Plastic salad bowls (items marked "B")
P73/329	Re, J. March 27, 1973	Weigert-Dagan Shoe Co.	134579–K	Par. 1530(e) 20%	Par. 1530(e) 10%	U.S. v. A. J. Taylor of Santa Fe, New Mexico (C.A.D. 772)	Laredo Footwear ("huaraches")
P73/330	Rao, J. March 28, 1973	Cosmos Products Co.	68/21498, etc.	Item 651.75 Various ad valorem equivalent rates as set forth in schedule A, attached to decision and judgment, in column headed "Assessed Ad Valorem Equivalent Rate"	Items 651.75/ 650.08/ 650.09 or 650.38 1¢ each plus 12.5% or 0.9¢ each plus 11%	Import Associates of America et al. v. U.S. (C.A.D. 961)	New York Flatware sets

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED	HELD	BASIS	PORT OF ENTRY AND MERCHANDISE
				Par. or Item No. and Rate	Par. or Item No. and Rate		
P73/331	Rao, J. March 28, 1973	U.S. Asiatic Co., Inc., et al.	67/41102, etc.	Item 651.75 Various ad valorem equivalent rates as set forth in schedule A, attached to decision and judgment, in column headed "Assessed Ad Valorem Equivalent Rate"	Item 651.75 At such compound rates as set forth in column of said schedule headed "Claimed Rate", the specific portion of the compound rate being applied once against each utensil in the set	Import Associates of America et al. v. U.S. (C.A.D. 961)	New York Flatware sets
P73/332	Ford, J. March 28, 1973	American Sanitary Rag Company et al.	64/1882, etc.	Par. 353 15% (items marked "A") Par. 1531 or 1531/1559(a) 20% (items marked "C")	Par. 353 12.5% (items marked "A" and "C")	Motorola, Inc., et al. v. U.S. (Abs. 69010); North American Foreign Trading Corp. v. U.S. (C.D. 3968) (items marked "A") Lafayette Radio Electronics Corp. v. U.S. (C.A.D. 977) (items marked "C")	Chicago Subminiature earphones (items marked "A") Cases imported with radios (entireties) (items marked "C")
P73/333	Ford, J. March 28, 1973	General Electric Company	70/64108, etc.	Item 685.90 14%	Item 685.25 10%	U.S. v. General Electric Co. (C.A.D. 1021)	Buffalo Jacks

P73/334	Richardson, J. March 28, 1973	F. B. Vandegrift & Co., Inc.	67/88209, etc.	Item 750.15 0.8¢ each plus 16%, 0.7¢ each plus 14.4%, or 0.6¢ plus 12.8% (items marked "A" and "B")	Item 651.49 9% or 8% (items marked "A") Item 651.47 15% or 13.5% (items marked "B")	U.S. v. F. B. Vandegrift & Co., Inc. (C.A.D. 1039) (items marked "A" and "B")	Philadelphia Straightening combs: in c.v. of brass (items marked "A"); in c.v. of iron or steel (items marked "B")
P73/335	Landis, J. March 28, 1973	National Silver Co.	70/55709, etc.	Item 533.75 10¢ per doz. plus 60%	Item 533.71 45%	U.S. v. National Silver Co. (C.A.D. 1040)	New Bedford (Boston) Mugs
P73/336	Watson, J. March 28, 1975	Beauti-Vue Products Co.	66/44615, etc.	Item 222.32 25%	Item 222.36 10%	U.S. v. Beauti-Vue Products Company (C.A.D. 1027)	Chicago Woven basswood material
P73/337	Watson, J. March 28, 1973	Reliance Trading Corp. of Ill.	68/33545	Item 748.20 28%	Item 774.60 15%	Armbee Corporation et al. v. U.S. (C.D. 3278) Zunold Trading Corporation et al. v. U.S. (C.D. 3279)	Chicago Artificial flowers, etc.
P73/338	Rao, J. March 29, 1973	James S. Baker (Imports), Inc.	67/13670, etc.	Item 648.57 15%	Item 648.55 7.5%	James S. Baker (Imports) Co. et al. v. U.S. (C.D. 3619)	San Francisco Lawn rakes
P73/339	Rao, J. March 29, 1973	Hurricane Import Co. et al.	65/16313, etc.	Item 206.65 or 207.00 16⅔%	Item 206.30 15%	B. A. McKenzie & Co., Inc. v. U.S. (C.D. 3020)	San Francisco Wooden doors
P73/340	Rao, J. March 29, 1973	Le Jeune, Inc.	70/46307, etc.	Item 310.91 22%	Item 309.21 17%	Le Jeune, Inc. v. U.S. (C.D. 4289)	San Francisco Raffia turabast or swistraw

Decisions of the United States Customs Court

Abstracts

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R73/96	Landis, J. March 28, 1973	Hub Floral Manufacturing Co.	R64/6539, etc.	Export value: Invoice ex-factory prices exclusive of inland charges, net packed	Not stated	U.S. v. Hub Floral Manufacturing Company (C.A.D. 993)	Boston Artificial flowers, Christmas goods or ornaments, toys, novelty items, etc.
R73/97	Rao J. March 29, 1973	Carolina Mfg. Co. Inc.	R65/13070, etc.	Export value: Appraised values less the proportionate part of the buying commission as invoiced	Not stated	Carolina Mfg. Co. v. U.S. (R.D. 11640)	New York Various cotton articles

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MARCH 27, 1973

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MARCH 30, 1973

APPEAL 5487.—E. Dillingham, Inc. *v.* United States.—PAPERMAKERS' FELTS—CLOTHING FOR PAPERMAKING—"ALTERATIONS" OR "ASSEMBLY" ABROAD—COMPLIANCE WITH CUSTOMS REGULATIONS.—C.D. 4278 modified December 29, 1972. C.A.D. 1078.

Tariff Commission Notice

Investigation by the United States Tariff Commission

DEPARTMENT OF THE TREASURY, *April 12, 1973.*

The appended notice relating to an investigation by the United States Tariff Commission is published for the information of Customs officers and others concerned.

VERNON D. ACREE,
Commissioner of Customs.

[TEA-W-194]

WORKERS' PETITION FOR A DETERMINATION UNDER SECTION 301(c)(2) OF THE TRADE EXPANSION ACT OF 1962

Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers of Hawaiian Fruit Packers, Ltd., Kapaa Kauai, Hawaii, a subsidiary of Stokely-Van Camp, Inc., Indianapolis, Indiana, the United States Tariff Commission, on April 9, 1973, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with canned pineapple and pineapple juice (of the types provided for in items 148.98, 165.44, and 165.46 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed within 10 days after the notice is published in the *Federal Register.*

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, N.W., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

By order of the Commission:

KENNETH R. MASON,
Secretary.

Issued April 9, 1973.

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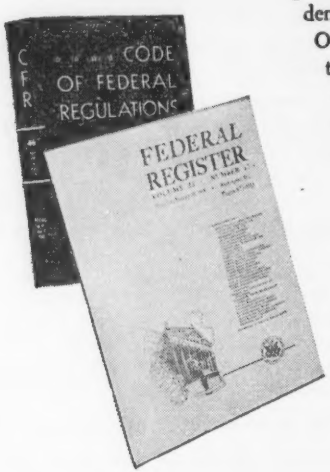

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